

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELIAS P. KAZAS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:07-cv-00652-GLL
)	
UNITED STATES DEPARTMENT OF)	
TREASURY, INTERNAL REVENUE)	
SERVICE,)	
)	
Defendant.)	
_____)	

**UNITED STATES' MOTION TO FILE A REPLY BRIEF
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT
AND A MOTION TO STRIKE CERTAIN DOCUMENTS FROM THE RECORD**

The Plaintiffs filed a response in opposition to the United States' motion for summary judgment. In their response, the plaintiffs argue, without providing proof, that a genuine issue of material fact exists because the United States may have miscalculated the amount of the refunded interest. Additionally, the plaintiffs provide new documents, which they contend are evidence establishing that the United States failed to credit them with certain payments.

The United States seeks leave to file the attached reply to establish that its interest calculations were correct, and to show that the taxpayers' new newly produced

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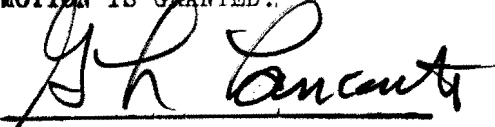
documents do not create a genuine issue of material fact. In the alternative, the United States moves to strike the newly produced documents.

Date: December 12, 2008

MARY BETH BUCHANAN
United States Attorney

/s/ Ari D. Kunofsky
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AND NOW, THIS 15th DAY OF
Dec 08, IT IS HEREBY
ORDERED THAT THE WITHIN
MOTION IS GRANTED.


GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

LEE J. KARL
Assistant United States Attorney